

AMENDED IN ASSEMBLY APRIL 21, 2003

AMENDED IN ASSEMBLY APRIL 7, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 554

**Introduced by Assembly ~~Member Daucher~~ *Members Daucher
and Garcia***
(Coauthors: Assembly Members McCarthy and Pacheco)

February 18, 2003

An act to amend Sections 76300 and 84751 of the Education Code, relating to community colleges, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 554, as amended, Daucher. Community colleges: enrollment fees: Community Colleges Instructional *and Student Services* Augmentation Fund.

Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law authorizes the establishment of community college districts under the administration of community college governing boards, and authorizes these districts to provide instruction, for a fee of \$11 per unit per semester, at community college campuses throughout the state.

Existing law requires the Chancellor of the California Community Colleges, for the purposes of computing certain apportionments to community college districts, to subtract, from the total revenue owed to each district, 98% of the revenues received by districts from charging fees under this provision.

This bill would delete the requirement that this amount be subtracted from the total revenue owed to each district for the purpose of computing certain apportionments and district revenue levels.

The bill would establish the Community Colleges Instructional *and Student Services* Augmentation Fund, and would require the proceeds of the fee described above to be deposited into this fund. This fund would be continuously appropriated for allocation by the chancellor to each community college district on an equal basis per full-time equivalent student to supplement and enrich ~~instructional and instructionally related services~~ *student access, instruction, support,* and financial aid services to students.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 76300 of the Education Code is
- 2 amended to read:
- 3 76300. (a) The governing board of each community college
- 4 district shall charge each student a fee pursuant to this section.
- 5 (b) (1) The fee prescribed by this section is eleven dollars
- 6 (\$11) per unit per semester.
- 7 (2) The chancellor shall proportionately adjust the amount of
- 8 the fee for term lengths based upon a quarter, system and also shall
- 9 proportionately adjust the amount of the fee for summer sessions,
- 10 intersessions, and other short-term courses. In making these
- 11 adjustments, the chancellor may round the per unit fee and the per
- 12 term or per session fee to the nearest dollar.
- 13 (c) The chancellor shall reduce apportionments by up to 10
- 14 percent to any district that does not collect the fees prescribed by
- 15 this section.
- 16 (d) The fee requirement does not apply to any of the following:
- 17 (1) Students enrolled in the noncredit courses designated by
- 18 Section 84757.
- 19 (2) California State University or University of California
- 20 students enrolled in remedial classes provided by a community
- 21 college district on a campus of the University of California or a
- 22 campus of the California State University, for whom the district
- 23 claims an attendance apportionment pursuant to an agreement



1 between the district and the California State University or the
2 University of California.

3 (3) Students enrolled in credit contract education courses
4 pursuant to Section 78021, if the entire cost of the course,
5 including administrative costs, is paid by the public or private
6 agency, corporation, or association with which the district is
7 contracting and if these students are not included in the calculation
8 of the full-time equivalent students (FTES) of that district.

9 (e) The governing board of a community college district may
10 exempt special part-time students admitted pursuant to Section
11 76001 from the fee requirement.

12 (f) (1) The fee requirements of this section shall be waived
13 for any student who, at the time of enrollment, is a recipient of
14 benefits under the Temporary Assistance to Needy Families
15 program, the Supplemental Security Income/State Supplementary
16 Program, or a general assistance program or has demonstrated
17 financial need in accordance with the methodology set forth in
18 federal law or regulation for determining the expected family
19 contribution of students seeking financial aid.

20 (2) The governing board of a community college district also
21 shall waive the fee requirements of this section for any student who
22 demonstrates eligibility according to income standards established
23 by the board of governors.

24 (g) The fee requirements of this section shall be waived for any
25 student who, at the time of enrollment is a dependent, or surviving
26 spouse who has not remarried, of any member of the California
27 National Guard who, in the line of duty and while in the active
28 service of the state, was killed, died of a disability resulting from
29 an event that occurred while in the active service of the state, or is
30 permanently disabled as a result of an event that occurred while in
31 the active service of the state. "Active service of the state," for the
32 purposes of this subdivision, refers to a member of the California
33 National Guard activated pursuant to Section 146 of the Military
34 and Veterans Code.

35 (h) The fee requirements of this section shall be waived for any
36 student who is the surviving spouse or the child, natural or
37 adopted, of a deceased person who met all of the requirements of
38 Section 68120.

39 (i) The fee requirements of this section shall be waived for any
40 student in an undergraduate program, including a student who has

1 previously graduated from another undergraduate or graduate
2 program, who is the dependent of any individual killed in the
3 September 11, 2001, terrorist attacks on the World Trade Center
4 and the Pentagon, or the crash of United Airlines Flight 93 in
5 southwestern Pennsylvania, if that dependent meets the financial
6 need requirements set forth in Section 69432.7 for the Cal Grant
7 A Program and either of the following apply:

8 (1) The dependent was a resident of California on September
9 11, 2001.

10 (2) The individual killed in the attacks was a resident of
11 California on September 11, 2001.

12 (j) A determination of whether a person is a resident of
13 California on September 11, 2001, for purposes of subdivision (i)
14 shall be based on the criteria set forth in Chapter 1 (commencing
15 with Section 68000) of Part 41 for determining nonresident and
16 resident tuition.

17 (k) (1) “Dependent,” for purposes of subdivision (i), is a
18 person who, because of his or her relationship to an individual
19 killed as a result of injuries sustained during the terrorist attacks
20 of September 11, 2001, qualifies for compensation under the
21 federal September 11th Victim Compensation Fund of 2001 (Title
22 IV (commencing with Section 401) of Public Law 107-42).

23 (2) A dependent who is the surviving spouse of an individual
24 killed in terrorist attacks of September 11, 2001, is entitled to the
25 waivers provided in this section until January 1, 2013.

26 (3) A dependent who is the surviving child, natural or adopted,
27 of an individual killed in the terrorist attacks of September 11,
28 2001, is entitled to the waivers under subdivision (i) until that
29 person obtains the age of 30 years.

30 (4) A dependent of an individual killed in the terrorist attacks
31 of September 11, 2001, who is determined to be eligible by the
32 California Victim Compensation and Government Claims Board,
33 is also entitled to the waivers provided in this section until January
34 1, 2013.

35 (l) (1) It is the intent of the Legislature that sufficient funds be
36 provided to support the provision of a fee waiver for every student
37 who demonstrates eligibility pursuant to subdivisions (f) to (i),
38 inclusive.

39 (2) From funds provided in the annual Budget Act, the board
40 of governors shall allocate to community college districts,

pursuant to this subdivision, an amount equal to 2 percent of the fees waived pursuant to subdivisions (f) to (i), inclusive. From funds provided in the annual Budget Act, the board of governors shall allocate to community college districts, pursuant to this subdivision, an amount equal to ninety-one cents (\$0.91) per credit unit waived pursuant to subdivisions (f) to (i), inclusive, for determination of financial need and delivery of student financial aid services, on the basis of the number of students for whom fees are waived. Funds allocated to a community college district for determination of financial need and delivery of student financial aid services shall supplement, and shall not supplant, the level of funds allocated for the administration of student financial aid programs during the 1992–93 fiscal year.

(m) (1) The proceeds of the fee required by subdivision (b) shall be remitted to the board of governors for deposit in the Community Colleges Instructional *and Student Services* Augmentation Fund, which is hereby established in the State Treasury. Notwithstanding Section 13340 of the Government Code, funds deposited in the Community Colleges Instructional *and Student Services* Augmentation Fund are continuously appropriated, without regard to fiscal years, for allocation by the chancellor to each community college district on an equal basis per full-time equivalent student in order to supplement and enrich ~~instructional and instructionally related services to students and~~ *student access, instruction, support, and* financial aid services to students.

(2) The board of governors may annually expend not more than one-half of 1 percent of the annual proceeds remitted to the fund for the purpose of assisting districts in the planning, implementation, and oversight of programs and services paid from the fund, subject to appropriation by the Legislature in the annual Budget Act.

(3) It is the intent of the Legislature that all fund expenditures supplement, rather than supplant, state funding for community college programs.

(4) The Legislature finds and declares that allocations from the Community Colleges Instructional *and Student Services* Augmentation Fund are not moneys to be applied by the state for the support of community college districts pursuant to subdivision (b) of Section 8 of Article XVI of the California Constitution, nor

1 shall the allocations offset moneys to be applied by the state for the
2 support of community college districts.

3 (n) The board of governors shall adopt regulations
4 implementing this section.

5 SEC. 2. Section 84751 of the Education Code is amended to
6 read:

7 84751. In calculating each community college district's
8 revenue level for each fiscal year pursuant to subdivision (a) of
9 Section 84750, the chancellor shall subtract, from the total
10 revenues owed, all of the following:

11 (a) The local property tax revenue specified by law for general
12 operating support, exclusive of bond interest and redemption.

13 (b) Timber yield tax revenues received pursuant to Section
14 38905.1 of the Revenue and Taxation Code.

15 (c) Any amounts received pursuant to Section 33492.15,
16 33607.5, or 33607.7 of the Health and Safety Code, and Section
17 33676 of the Health and Safety Code as amended by Section 2 of
18 Chapter 1368 of the Statutes of 1990, that are considered to be
19 from property tax revenues pursuant to those sections for the
20 purposes of community college revenue levels, except those
21 amounts that are allocated exclusively for educational facilities.

22 SEC. 3. (a) It is the intent of the Legislature that any
23 enrollment fee revenues received by the various districts of the
24 California Community Colleges shall supplement, rather than
25 supplant, state funding for community college programs.

26 (b) The Legislature finds and declares that enrollment fee
27 revenues are not moneys to be applied by the state for support of
28 community college districts for the purposes of subdivision (b) of
29 Section 8 of Article XVI of the California Constitution, nor shall
30 these revenues offset moneys to be applied by the state for the
31 support of community college districts.

